

From: [Loftus, Julie](#)
To: [Chris Kachouroff](#)
Cc: [Frey, Timothy](#); [Bedell, James](#)
Subject: RE: Fanning Deposition
Date: Wednesday, May 22, 2024 1:38:52 PM
Attachments: [RE FW Smartmatic Lindell Meet and Confer 2024.01.18.msg](#)
[image772957.jpg](#)

Chris,

I will note that there are inaccuracies in this motion that Smartmatic would certainly point out in opposition. *First*, it is not accurate that Smartmatic does not consent to Defendants having “any time for their examination.” Smartmatic has moved to compel a deposition of Ms. Fanning, and will require the full seven hours. Smartmatic does not oppose Defendants seeking additional time to depose Ms. Fanning, but is unwilling to cede its own time. *Second*, under Rule 30(d)(1), “[t]he court **must** allow additional time consistent with Rule 26(b)(1) and (2) if needed to fairly examine the deponent” (emphasis added). As we explained in past communications (attached for reference), Ms. Fanning is a critical witness, and this is a situation where more time than 4 hours is needed to fairly examine the witness. This is particularly true because Ms. Fanning is outside the subpoena power of the Minnesota court. ***Smartmatic remains willing to discuss a joint motion for additional time.***

Julie



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From: Chris Kachouroff <chris@mck-lawyers.com>
Sent: Wednesday, May 22, 2024 1:14 PM
To: Loftus, Julie <JLoftus@beneschlaw.com>
Subject: Fanning Deposition

Julie,

I need to file the attached motion in Wisconsin today unless you all can agree to a time split. If you have a change in consideration will you let me know?

Sincerely,

Chris Kachouroff

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